

**SUPREME COURT MINUTES
WEDNESDAY, DECEMBER 10, 1997
SAN FRANCISCO, CALIFORNIA**

S064553 People, Respondent

2nd Dist. v.

B105115 Isaac Youngblood, Appellant

Div. 1 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Birks*, S057191 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S064811 People, Respondent

4th Dist. v.

E017936 Eugene Carter Horejs, Appellant

Div. 2 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Flood*, S059454 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S065021 Jabes Salgado et al., Appellants
2nd Dist. v.
B085845 County of Los Angeles et al., Appellants
S065021 Petition for review GRANTED.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S065206 Ernest L. Messner, Jr., Petitioner
2nd Dist. v.
B116184 Los Angeles County Superior Court, Respondent
Div. 1 Bank of America, NT&SA, Real Party in Interest
Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Moeller v. Superior Court*, S054624 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

Baxter, J., and Chin, J., did not participate.

George, C.J.
Mosk, J.
Kennard, J.
Werdegar, J.
Brown, J.

S065256 Bruce Gale, Appellant
4th Dist. v.
G015414 B.M.W. of North America, Respondent
Div. 3 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Murillo v. Fleetwood Enterprises, Inc.*, S058779 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S065413 Richard A. Hall et al., Appellants
2nd Dist. v.
B104377 C. Thomas Kettering, Respondent
Div. 7 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Santisas v. Goodin*, S050326 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S061431 In re Bernardos Gray
 on
 Habeas Corpus

The Director of Corrections is ordered to show cause before the Kern County Superior Court, when the matter is placed on calendar, why the relief should not be granted based on petitioner's allegation that he is entitled to additional presentence conduct credits. (Pen. Code. §4019, see *People v. Hill* (1995) 37 Cal.App.4th 220, 223-227.) The return shall be filed on or before January 5, 1998.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S062859 In re Mason Harry Rose V on Discipline

The State Bar of California is ordered to show cause why the Supreme Court should not issue a writ of review and accord this proceeding plenary consideration notwithstanding its determination that no issue raised warrants consideration under California Rules of Court, rule 954(a). The return to the order to show cause shall be served and filed by January 9, 1998. A reply to the return may be served and filed by January 30, 1998. Briefing should address both whether there is constitutional requirement for plenary consideration and the criteria the court may use in determining whether plenary review should be accorded.

George, C.J.
Mosk, J.
Kennard, J.
Chin, J.
Brown, J.

2nd Dist. In re Danny Zizumbo
B108909 on
Div. 6 Habeas Corpus
S065004 Petition for review GRANTED.

The matter is transferred to the Court of Appeal, Second Appellate District, Division Six, with directions to vacate its summary denial dated August 28, 1997, and to issue an order to show cause, returnable before the Ventura County Superior Court. The Director of Corrections is to be ordered to show cause, when the matter is ordered on calendar, why trial counsel was not ineffective for failing to object to the admission of statements obtained in violation of *Miranda v. Arizona* (1996) 384 U.S. 436, and for failing to present evidence that the victims named a third person as the shooter. The return shall be filed on or before January 5, 1998.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

2nd Dist. In re Steven Najera
B113914 on
Div. 1 Habeas Corpus
S064889 Petition for review GRANTED.

The matter is transferred to the Court of Appeal, Second Appellate District, Division One, with directions to vacate its summary denial dated September 18, 1997, and to issue an order to show cause, returnable before the Los Angeles County Superior Court. The Director of Corrections is to be ordered to show cause, when the matter is ordered on calendar, why petitioner was not misadvised regarding the effect of his January 20, 1995, plea agreement on the application of Penal Code section 2933.5, and why he should not be allowed to withdraw his guilty plea. (See Pen. Code section 2933.5; *In re Moser* (1993) 6 Cal.4th 342, 357; *In re Alvernaz* (1992) 2 Cal.4th 924, 942; *People v. Goodloe* (1995) 37 Cal.App.4th 485.) The return shall be filed on or before January 5, 1998.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.

S051311 People, Appellant
2nd Dist. v.
B090670 Samuel Joseph Peterson, Respondent
Div. 2

The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division Two, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* 13 Cal.4th 497.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S053297 People, Respondent

4th Dist. v.

D022866 Jesus Ramirez Lopez, Appellant

Div. 1 The above-entitled review is hereby transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision and to reconsider the cause in light of of *People v. Superior Court (Romero)* 13 Cal.4th 497.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S051201 People, Respondent

1st Dist. v.

A068210 Rudolph Casillas, Appellant

Div. 5 Appellant's "Motion to Dismiss Review" is denied as moot.

Pursuant to rule 29.4(c), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, First Appellate District, Division Five.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S061215 Cates Construction, Inc. et al., Appellants
2nd Dist. v.
B085960 Talbot Partners et al., Respondents
B087801 Respondents' motion to strike is granted and the October 21, 1997, filing of appellant Cates Construction, Inc.'s Brief on the Merits is hereby stricken.
Pursuant to rule 29.4(c), California Rules of Court, review as to the petition of appellant Cates Construction, Inc. is DISMISSED.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S065650 First Healthcare Corporation, Petitioner
v.
Marin County Superior Court, Respondent
Shirley M. Kison, Real Party in Interest
Application for stay and request to grant review on the court's own motion DENIED.

S065812 Marvin Jay Gray, Petitioner
v.
Second District Court of Appeal-Division Two, Respondent
People, Real Party in Interest
Petition for writ of mandate DENIED.

S065879 Clark Allen Kimbrough, Petitioner
v.
Fifth District Court of Appeal, Respondent
People, Real Party in Interest
Application for stay and petition for writ of mandate DENIED.

S056446 In re William Charles Payton on Habeas Corpus
The petition for writ of habeas corpus filed on October 1, 1996, is denied. Except for claims XIII.10. and 11., and XIV.1., all claims are barred as untimely. They are substantially delayed because they are based on information that was long known, or should have been

known, to petitioner and his counsel. No good cause has been offered to justify or explain the delay, and the claims come within none of the exceptions to the bar of untimeliness. (*In re Clark* (1993) 5 Cal.4th 750, 767-787 [delay rules], 797-798 [exceptions to the untimeliness bar].)

The following claims are also denied on the ground that they were raised and rejected on appeal, and they come within none of the exceptions that would permit their reconsideration on habeas corpus: XII.5.A.; XIII.3 (to the extent it duplicates arguments raised on appeal), 4.C., 5.B., 8.; XIV.2. (*In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Harris* (1993) 5 Cal.4th 813, 829-841 [exceptions to *Waltreus* and related bars].)

The following claims are also denied on the ground that they could have been, but were not, raised on appeal, and they come within none of the exceptions that would permit their consideration on habeas corpus: XII.2.C., 4., 5.B., 6.; XIII.2.A., B., C., 3. (to the extent it differs from arguments raised on appeal), 4.B., 5.A., 6. (to the extent it is based on the appellate record), 7., 9. (*In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Harris, supra*, 5 Cal.4th at p. 825, fn. 3, & pp. 829-841 [exceptions to *Waltreus* and related bars].)

All claims of cumulative error are subject to the same procedural bars that apply to the individual claims.

All claims are also denied on the merits. (See *Harris v. Reed* (1989) 489 U.S. 255, 264, fn. 10.)

Mosk, J. would deny solely on the merits.

Kennard, J. would deny claim XIII.4.C. not on the merits, but solely on the grounds that the issue was raised and rejected on appeal and is now untimely.

S059753 In re Alejandro Centeno Alvarez
 on
 Habeas Corpus
 Petition for writ of habeas corpus DENIED.

S064883 In re Hector Sanchez Leyva
 on
 Habeas Corpus
 Request for judicial notice granted.
 Petition for writ of habeas corpus DENIED.
 Mosk, J., is of the opinion an order to show cause should issue.

1st Dist. People, Respondent
A072845 v.
Div. 2 Kevin Maurice Claiborne, Appellant
S064742 Appellant's petition for review DENIED.

1st Dist. Magdalena Pineda et al., Appellants
A073187 v.
Div. 4 Tenjan Inc. et al., Respondents
S065294 Appellants' petition for review DENIED.

1st Dist. Edgar S. Suter et al., Appellants
A073743 v.
Div. 1 City of Lafayette et al., Respondents
S065290 Petition for review DENIED.

1st Dist. People, Respondent
A073864 v.
Div. 1 Rodney Bruce Broden, Appellant
S065451 Appellant's petition for review DENIED.

1st Dist. People, Respondent
A074037 v.
Div. 2 Jason Scott Baker, Appellant
S064851 Appellant's petition for review DENIED.

1st Dist. San Francisco Bay Guardian, Appellant
A074108 v.
Div. 3 City of Richmond et al., Respondents
S065327 Petition for review DENIED.
The requests for an order directing publication of the opinion in
the above entitled cause are DENIED.

1st Dist. Roman Catholic Archbishop of San Francisco, Respondent
A074370 v.
Div. 4 City of San Mateo, Appellant
S065073 Respondent's petition for review DENIED.

1st Dist. People, Respondent
A074727 v.
Div. 3 Darin Merrell Sherman, Appellant
S064682 Appellant's petition for review DENIED.

1st Dist. Glendale Federal Bank, Appellant
A074830 v.
Div. 5 Hoffman Investment Company et al., Appellants
S064955 Appellant's petition for review DENIED.
The requests for an order directing publication of the opinion in
the above entitled cause are DENIED.

1st Dist. Tong Park, Appellant
A075405 v.
Div. 3 County of San Mateo et al., Respondents
S065179 Appellant's petition for review DENIED.

1st Dist. People, Respondent
A075434 v.
Div. 4 Michael J. Pruett, Appellant
S064717 Appellant's petition for review DENIED.

1st Dist. Thomas and Laura Havstad et al., Appellants
A075810 v.
Div. 3 Fidelity National Title Insurance Company, Respondent
S065409 Appellants' petition for review DENIED.

1st Dist. People, Respondent
A076047 v.
Div. 4 Leo Gant, Appellant
S065491 Appellant's petition for review DENIED.

1st Dist. Golden Gate Bank, Respondent
A076553 v.
Div. 2 Emil Damia, Appellant
S065552 Appellant's petition for review DENIED.

1st Dist. People, Respondent
A076952 v.
Div. 2 Arturo Chaide Alderette, Appellant
S065452 Appellant's petition for review DENIED.

1st Dist. People, Appellant
A077117 v.
Div. 4 Peter Howard John, Respondent
S064673 Respondent's petition for review DENIED.

1st Dist. Planned Parenthood Shasta-Diablo Inc., Petitioner
A079507 v.
Div. 4 Contra Costa County Superior Court, Respondent
S065823 Peter Hansen et al., Real Parties in Interest
Application for stay and petition for review DENIED.

1st Dist. Nancy Cross, Appellant
A079647 v.
Div. 5 City of Newark, Respondent
S065571 Appellant's petition for review DENIED.

1st Dist. In re Anthony Penn
A080028 on
Div. 5 Habeas Corpus
S065416 Petition for review DENIED.

1st Dist. In re Richard Cross
A080043 on
Div. 2 Habeas Corpus
S065371 Petition for review DENIED.

2nd Dist. Denis Karpeles, Appellant
B091062 v.
Div. 1 Deloitte & Touche, Respondent
S065496 Appellant's petition for review DENIED.
Baxter, J., did not participate.

2nd Dist. Dynamic Finance Corporation, Respondent
B093408 v.
B105034 Richard E. Hodge et al., Appellants
Div. 3 Appellants' petition for review DENIED.

2nd Dist. Mario Lopez et al., Appellants
B094740 v.
Div. 4 Frank Maas et al., Respondents
S065412 Appellants' petition for review DENIED.

2nd Dist. Joseph Shemaria, Appellant
B095393 v.
Div. 4 Stephen Snyder, Respondent
S065411 Appellant's petition for review DENIED.

2nd Dist. Wilda Spalding, Appellant
B095647 v.
Div. 1 Vons Companies Incorporated, Respondent
S065514 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B096692 v.
Div. 4 Dion Dorrell Hodges, Appellant
S065614 Appellant's petition for review DENIED.

2nd Dist. Gustaaf Van't Hof, Appellant
B096827 v.
Div. 5 Metropolitan Water District of Southern California et al.,
S065339 Respondents
Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B097845 v.
Div. 3 Luis Carlos Gomez, Appellant
S065398 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B099037 v.
Div. 5 Theron Desean Davis, Appellant
S065525 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B099922 v.
Div. 4 Elfron Howard, Appellant
S064658 Appellant's petition for review DENIED.

2nd Dist. People, Appellant
B100013 v.
Div. 1 Danny Eugene Winn, Respondent
S064824 Appellant's petition for review DENIED.
Kennard, J., and Werdegard, J., are of the opinion the petition
should be granted.
The request for an order directing publication of the opinion is
DENIED.

2nd Dist. B100089 Div. 1 S064724	People, Respondent v. Christopher Garrett, Appellant Respondent's petition for review DENIED.
2nd Dist. B100246 Div. 4 S065490	People, Respondent v. Larry H. Rios, Appellant Appellant's petition for review DENIED.
2nd Dist. B100474 Div. 7 S065059	Stephanie Roth, Appellant v. Marie Clarisse Parker et al., Respondents Appellant's petition for review DENIED.
2nd Dist. B100540 Div. 2 S065333	People, Respondent v. Edward S. Pittman, Appellant Appellant's petition for review DENIED.
2nd Dist. B101131 Div. 5 S064833	People, Respondent v Leroy Duplessis, Appellant Appellant's petition for review DENIED.
2nd Dist. B102565 Div. 5 S065344	People, Respondent v. Nicole L. Simien, Appellant Appellant's petition for review DENIED.
2nd Dist. B102765 Div. 2 S064678	People, Respondent v. Henry Poe, Appellant Appellant's petition for review DENIED.
2nd Dist. B103022 Div. 4 S064930	Estate of Ferdinand Edralin Marcos, Deceased ----- Celsa Hilao et al., Appellants v. Irene Silverman, Respondent Respondent's petition for review DENIED.

2nd Dist. People, Respondent
B103096 v.
Div. 1 Bobby Drumgole, Appellant
S065033 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B103201 v.
Div. 5 Robert Arturo Ayala, Appellant
S065445 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B103207 v.
Div. 3 Raul Rodarte, Jr., Appellant
S065540 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B103354 v.
Div. 4 Paul Kevin Harris, Appellant
S065380 Appellant's petition for review DENIED.

2nd Dist. People, Appellant
B103412 v.
Div. 3 Craig Anthony Davis, Respondent
S065656 Respondent's petition for review DENIED.
Kennard, J., and Werdegarr, J., are of the opinion the petition should be granted.

2nd Dist. People, Respondent
B103805 v.
Div. 1 Curtis Eugene Daniels, Appellant
S064755 Petition for review DENIED.
Kennard, J., is of the opinion the petition should be granted.
The request for an order directing publication of the opinion is DENIED.

2nd Dist. People, Respondent
B103954 v.
Div. 4 Michael A. Villanueva, Appellant
S065389 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B104145 v.
Div. 5 Kevin Dyas, Appellant
S065156 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B104470 v.
Div. 7 Pamela Cleeton Martinez, Appellant
S065440 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B104810 v.
Div. 4 Danny Zaccardo, Appellant
S065520 Appellant's petition for review DENIED.

2nd Dist. In re the Marriage of Andrew E. and Donna E. Pope
B105051 -----
Div. 6 Andrew E. Pope, Appellant
S065400 v.
Donna E. Pope, Respondent
Petition for review DENIED.

2nd Dist. People, Respondent
B105518 v.
Div. 6 Danny Zizumbo, Appellant
S064896 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B105633 v.
Div. 5 David Lee Kelly, Appellant
S065483 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B105806 v.
Div. 7 Anthony Moore, Appellant
S065388 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B105985 v.
Div. 7 Jose De Jesus Morfin, Appellant
S065320 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B106043 v.
Div. 1 Tony Lee Puckett, Appellant
S064876 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B106081 v.
Div. 5 Joseph Carmouche, Appellant
S065363 Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent
B106150 v.
Div. 2 Robert M. Hayden, Appellant
S065381 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B106170 v.
Div. 3 Dewayne Haynes, Appellant
S065492 Appellant's petition for review DENIED.

2nd Dist. Anita Thompson, Petitioner
B106312 v.
Div. 4 Tyrone Thames, Appellant
S065463 Petition for review DENIED.

2nd Dist. People, Respondent
B106703 v.
Div. 1 Richard Clarence Davis, Appellant
S065484 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B106687 v.
Div. 3 Rodney Bruce Swanson, Appellant
S064688 Application for stay and petition for review DENIED.

2nd Dist. People, Respondent
B106729 v.
Div. 7 Dewey Steven Terry, Appellant
S065442 Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. B106882 Div. 2 S065574	People, Respondent v. Raymond Tarin, Jr., Appellant Appellant's petition for review DENIED.
2nd Dist. B106898 Div. 7 S065465	People, Respondent v. Scott Stoltman, Appellant Appellant's petition for review DENIED.
2nd Dist. B107273 Div. 4 S065336	People, Respondent v. Dana Bernard Baskin, Appellant Appellant's petition for review DENIED.
2nd Dist. B107431 Div. 2 S065359	People, Respondent v. Killian Demitri White, Appellant Appellant's petition for review DENIED.
2nd Dist. B107490 Div. 1 S065335	Koichi Matsumoto, Appellant v. James R. Gotcher, Respondent Appellant's petition for review DENIED.
2nd Dist. B108244 Div. 6 S065498	Raymond Berrett, Appellant v. James Gates, Respondent Appellant's petition for review DENIED.
2nd Dist. B108279 Div. 4 S065406	Alan Epstein et al., Respondents v. Steven G. Abrams, Respondent Lawrence M. Lebowsky, Appellant Petition for review DENIED.
2nd Dist. B108464 Div. 5 S065424	People, Respondent v. Adrian Dillard, Appellant Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B108487 v.
Div. 3 Keion Howard, Appellant
S064865 Appellant's petition for review DENIED.

2nd Dist. Ralph Calvin Booth, Petitioner
B108794 v.
Div. 7 Los Angeles County Superior Court, Respondent
S064707 People, Real Party in Interest
Petition for review DENIED.
Mosk, J., and Kennard, J. , are of the opinion the petition should be granted.

2nd Dist. Gina F. Brandt, Appellant
B110064 v.
Div. 1 Regents of the University of California, Respondent
S065563 Petition for review DENIED.

2nd Dist. People, Respondent
B110271 v.
Div. 2 Sheldon Wayne Butler et al., Appellants
S065456 Appellants' petition for review DENIED.

2nd Dist. John Woodruff Kessel, Petitioner
B110420 v.
Div. 1 Los Angeles County Superior Court, Respondent
S065497 David Keene Leavitt et al., Real Parties in Interest
Application for stay and petition for review DENIED.

2nd Dist. People, Respondent
B110427 v.
Div. 1 Anthony Douglas Haylock, Appellant
S065581 Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. Waymond Hobdy et al., Appellants
B112407 v.
Div. 5 John G. Sundbye et al., Respondents
S065234 Appellants' petition for review DENIED.

2nd Dist. Pioneer Magnetics Incorporated et al., Appellants
B115004 v.
Div. 3 Philip C. Putnam, Respondent
S065706 Application for stay and petition for review DENIED.

2nd Dist. In re David King Hanson
B115570 on
Div. 2 Habeas Corpus
S065415 Petition for review DENIED.

2nd Dist. Leon Douglas Boykin, Petitioner
B115696 v.
Div. 4 Los Angeles County Superior Court, Respondent
S065438 People, Real Party in Interest
Petition for review DENIED.

2nd Dist. In re Robert Benson
B115797 on
Div. 1 Habeas Corpus
S065068 Petition for review DENIED as moot.

2nd Dist. In re Monte Rene Jackson
B115988 on
Div. 7 Habeas Corpus
S065434 Petition for review DENIED.

2nd Dist. ITT Corporation et al., Petitioners
B116053 v.
Div. 1 Los Angeles County Superior Court, Respondent
S065188 Pacific Employers Insurance Company et al., Real Parties in Interest
Petition for review DENIED.

2nd Dist. Filmtreat West Corporation et al., Petitioners
B116186 v.
Div. 7 Los Angeles County Superior Court, Respondent
S065366 Twentieth Century Fox Film Corporation, Real Party in Interest
Application for stay and petition for review DENIED.

2nd Dist. Jerry B. Athans, as Executor, etc., Petitioner
B116410 v.
Div. 1 Los Angeles County Superior Court, Respondent
S065500 Simmke Chodos Silberfeld et al., Real Parties in Interest
Petition for review DENIED.

2nd Dist. Randolph W. Dale, Petitioner
B116500 v.
Div. 6 San Luis Obispo County Superior Court, Respondent
S065670 Stephen Johnson, Real Party in Interest
Application for stay and petition for review DENIED.

2nd Dist. In re Arya and Anthony W. et al., Minors
B116941 -----
Div. 4 Department of Children and Family Services, Respondent
S065973 v.
Warren Williams, Petitioner
Petition for review DENIED.

2nd Dist. Randolph W. Dale, Petitioner
B117141 v.
Div. 6 San Luis Obispo County Superior Court, Respondent
S066116 Stephen Johnson, Real Party in Interest
Application for stay and petition for review DENIED.

2nd Dist. California Factors & Finance, Petitioner
B117483 v.
Div. 1 Los Angeles County Superior Court, Respondent
S066390 Serio & C.S.P.A. et al., Real Parties in Interest
Application for stay and petition for review DENIED.

2nd Dist. Miguel Angel Velasquez, Petitioner
B117625 v.
Div. 7 Los Angeles County Superior Court, Respondent
S066406 People, Real Party in Interest
Application for stay and petition for review DENIED.

3rd Dist. People, Respondent
C021370 v.
S065376 David Lynn Robinson, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C022514 v.
S065448 Tony Tabarez, Appellant
S065448 Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C022618 v.
C023750 Vernon Samuel Adams et al., Appellants
S064802 Appellants' petitions for review DENIED.

3rd Dist. People, Respondent
C022914 v.
S065494 Jackie Don White, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C023003 v.
S064882 Hector Sanchez Leyva, Appellant
Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

3rd Dist. People, Respondent
C023059 v.
S065470 Larry Lewis Hightower, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C023623 v.
S065554 Douglas Virgil Burkhart, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C024606 v.
S065469 Bobby Joe Floyd, Appellant
Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

3rd Dist. People, Respondent
C024827 v.
S065369 Carlos Munoz Delgado, Appellant
Appellant's petition for review DENIED.

3rd Dist. Richard B. Herman, Appellant
C024879 v.
S064962 County of Lassen et al., Respondents
Petition for review DENIED.

3rd Dist. People, Respondent
C025017 v.
S065580 Anthony Donnell Kelly, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C025114 v.
S065594 William Cy Henry, Appellant
Appellant's petition for review DENIED.

3rd Dist. Jack F. Staten et al., Appellants
C025463 v.
S065476 Leah Heale et al., Respondents
Appellants' petition for review DENIED.

3rd Dist. In re Damonte A., a Person Coming Under the Juvenile Court Law
C025891 -----
S065328 Department of Health and Human Services, Respondent
v.
Lenora B., Appellant
Petition for review DENIED.
The request for an order directing depublication of the opinion is
DENIED.

3rd Dist. In re Alejandria S., a Person Coming Under the Juvenile Court Law
C026645 -----
S065382 Human Services Agency, Respondent
v.
Gina N., Appellant
Petition for review DENIED.

3rd Dist. In re Richard Allen Hearn
C027483 on
S064618 Habeas Corpus
Petition for review DENIED.

3rd Dist. David Clinton Hatton, Petitioner

C027492 v.
S064744 Placer County Superior Court, Respondent
 People, Real Party in Interest
 Application for stay and petition for review DENIED.
 Mosk, J., is of the opinion the petition should be granted.

3rd Dist. James H. Johnson, Petitioner
C027685 v.
S065586 El Dorado County Superior Court, Respondent
 Sierra Terra Incorporated, Real Party in Interest
 Petition for review DENIED.

4th Dist. Joan Eigner et al., Respondents
D022897 v.
Div. 1 Gloria Worthtington, Appellant
S064693 State Farm Fire and Casualty Company, Appellant
 Appellant's petition for review DENIED.
 The request for an order directing depublication of the opinion is
 DENIED.

4th Dist. People, Respondent
D024695 v.
Div. 1 Vernell Gillard, Appellant
S064747 Appellant's petition for review DENIED.

4th Dist. In re the Marriage of Kathleen Kramer
D026140 -----
Div. 1 Larry Kramer, Appellant
S065477 v.
 Kathleen Kramer, Respondent
 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D026189 v.
Div. 1 Louis Gutierrez Borquez, Appellant
S064812 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D026773 v.
D028033 James Ray Roberts, Appellant
Div. 1 -----
S060867 In re James Ray Roberts on Habeas Corpus
Appellant's petitions for review DENIED.

4th Dist. In re the Marriage of Earick
D027364 -----
Div. 1 Laura J. Earick, Respondent
S065605 v.
Kevin D. Earick, Appellant
Petition for review DENIED.

4th Dist. People, Respondent
D027819 v.
Div. 1 Devein Jewel Payne, Appellant
S065576 Appellant's petition for review DENIED.

4th Dist. In re Craig V. et al., Minors
D028229 -----
Div. 1 John G. et al., Respondents
S065378 v.
Lance v. et al., Appellants
Petition for review DENIED.

4th Dist. Edelvis Jakubauskas, Appellant
E016264 v.
Div. 2 Philip D. Jakubowski, Respondent
S065342 Petition for review DENIED.

4th Dist. Eleonora Swanson, Appellant
E017521 v.
Div. 2 Arthur Davis et al, Respondents
S065402 Appellant's petition for review DENIED.

4th Dist. E017601 Div. 2 S065202	In re the Marriage of Darla J. and Donald D. Douglas ----- Darla J. Douglas, Respondent v. Donald D. Douglas, Appellant Petition for review DENIED. The request for an order directing publication of the opinion in the above entitled cause is DENIED.
4th Dist. E017959 Div. 2 S064793	People, Respondent v. Henry Jimenez Lepe, Appellant Appellant's petition for review DENIED.
4th Dist. E018057 Div. 2 S065404	People, Respondent v. Tamara Yolan Hinkle, Appellant Appellant's petition for review DENIED.
4th Dist. E018283 E019973 Div. 2 S065436	People, Respondent v. James Anthony Howard, Appellant ----- In re James Anthony Howard on Habeas Corpus Appellant's petition for review DENIED.
4th Dist. E018626 Div. 2 S065454	People, Respondent v. Joshua Joseph Pinedo, Appellant Appellant's petition for review DENIED.
4th Dist. E019242 Div. 2 S064712	People, Respondent v. Gary Wayne Davis, Appellant Appellant's petition for review DENIED.
4th Dist. E019543 Div. 2 S065507	People, Respondent v. Barry D. Street, Appellant Appellant's petition for review DENIED.

4th Dist. People, Respondent
E020390 v.
Div. 2 Joel Felix Viramontes, Appellant
S065387 Appellant's petition for review DENIED.

4th Dist. Niles F. Guichet, Appellant
G013299 v.
G013706 Denar Corporation et al., Appellants
Div. 3 And Companion Case
S064837 Appellants' petition for review DENIED.

4th Dist. Joseph Patrick Mosca, Appellant
G016655 v.
Div. 3 David William Lichtenwalter et al., Respondents
S065539 Appellant's petition for review DENIED.

4th Dist. Gloria Orth et al., Appellants
G017310 v.
G017858 John Lauridsen, Respondent
Div. 3 And Companion Case
S064989 Appellants' petition for review DENIED.

4th Dist. People, Respondent
G018296 v.
Div. 3 Keith Emerson Zavala, Appellant
S065536 Appellant's petition for review DENIED.

4th Dist. People, Appellant
G018463 v.
Div. 3 Tuan Minh Nguyen, Appellant
S065542 Appellant's petition for review DENIED.

4th Dist. People, Respondent
G018709 v.
G020466 Ruben Villa, Jr., Appellant
Div. 3 -----
S065223 In re Ruben Villa on Habeas Corpus
Appellant's petition for review DENIED.

4th Dist. G018969 Div. 3 S064721	People, Respondent v. Joel Madrigal, Appellant Appellant's petition for review DENIED.
4th Dist. G019403 Div. 3 S065506	People, Respondent v. James Galvan et al., Appellants Appellants' petition for review DENIED.
4th Dist. G019509 G020821 3rd Dist. S064857	People, Respondent v. Albert Mousa Mousa, Appellant ----- In re Albert Mousa Mousa on Habeas Corpus Appellant's petition for review DENIED.
4th Dist. G022141 Div. 3 S065329	Eastman Kodak, Petitioner v. Workers' Compensation Appeals Board, Respondent Billy Brinson, Respondent Petition for review DENIED.
5th Dist. F023459 F026729 S064609	People, Respondent v. Eshoo Albert Kiryakoz, Appellant ----- In re Eshoo Alberg Kiryakoz on Habeas Corpus Appellant's petition for review DENIED.
5th Dist. F024330 S065503	People, Respondent v. Stacy Wayne Macom, Appellant Appellant's petition for review DENIED.
5th Dist. F024965 S065390	Jimmy D. McGill, Appellant v. Grumman Olson et al., Respondents Respondents' petition for review DENIED.

5th Dist. People, Respondent
F025489 v.
S065368 Larry Harris, Appellant
Appellant's petition for review DENIED.

5th Dist. Raul T. Garcia, Appellant
F027725 v.
S064966 Madera Community Hospital et al, Respondents
1st Dist. Appellant's petition for review DENIED.

5th Dist. In re Patrick Murphy
F029368 on
S065515 Habeas Corpus
Petition for review DENIED. (*In re Dexter* (1979) 25 Cal.3d 921, 924; *In re Swain* (1949) 34 Cal.2d 300, 304.)

6th Dist. People, Respondent
H012238 v.
H014120 Dorothea Montalvo Puente, Appellant
S064950 -----
In re Dorothea Montalvo Puente on Habeas Corpus
Petitions for review DENIED.

6th Dist. In re Ernest Brown on Habeas Corpus
H014466 -----
H015719 People, Respondent
S064795 on
Ernest Douglas Brown, Appellant
Appellant's petition for review DENIED.

6th Dist. People, Respondent
H014738 v.
S064628 Lester Leroy Sowell, Appellant
Appellant's petition for review DENIED.

6th Dist. People, Respondent
H015235 v.
S064527 Patricia Ann Braz, Appellant
Appellant's petition for review DENIED.
Mosk, J., and Kennard, J., are of the opinion the petition should
be granted.

6th Dist. John J. Turner, Appellant
H015754 v.
S065220 Fire Insurance Exchange, Appellant
Petition for review DENIED.

6th Dist. Anthony Ashurst, Appellant
H016156 v.
S065062 Monterey Peninsula Unified School District, Respondent
Appellant's petition for review DENIED.
The Reporter of Decisions is directed not to publish in the
Official Appellate Reports the opinion in the above-entitled appeal,
filed September 9, 1997, which appears at 57 Cal.App.4th 665.
(Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

6th Dist. Maria Duncan, Petitioner
H016701 v.
S066179 Santa Clara County Superior Court, Respondent
William A. Johnson II, Real Party in Interest
Application for stay and petition for review DENIED.

6th Dist. Susan Huffman, Petitioner
H017477 v.
S065547 Monterey County Superior Court, Respondent
People, Real Party in Interest
Petition for review DENIED.

3rd Dist. Americans for NonSmokers' Rights et al., Respondents
C022275 v.
C022389 State of California et al., Appellants
S058619 And Companion Case
The request for an order directing republication of the opinion in
the above entitled cause is DENIED.

4th Dist. Stephen Hill, Appellant
E017257 v.
Div. 2 Mt. Baldy Ski Lifts Incorporated, Respondent
S065150 The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

4th Dist. People, Respondent
G018069 v.
Div. 3 Gerald Dee Kelley, Appellant
S059463 The request for an order directing depublication of the opinion in
the above entitled cause is DENIED.

S005502 People, Respondent
v.
David Keith Rogers, Appellant
Appellant's motion to augment the record to include a
"Supplemental Stipulated Settled Statement," filed November 5,
1997, is granted.

S016730 People, Respondent
v.
Raymond Edward Steele, Appellant
The order filed on March 14, 1996, appointing Michael Millman,
Executive Director of the California Appellate Project, as interim
counsel for appellant Raymond Edward Steele, is hereby vacated.
Gregory Marshall is hereby appointed to represent appellant on
his automatic appeal now pending in this court, including any related
habeas proceedings.

S028970 People, Respondent
v.
Richard Stitely, Appellant
Upon request of appellant for appointment of counsel, Joel
Levine is hereby appointed as lead counsel, and Jo Anne Keller is
appointed as associate counsel, to represent appellant on his
automatic appeal now pending in this court, including any related
habeas proceedings.

S004754 People, Respondent
Crim. v.
25938 Wilbur Jennings, Appellant
The motion of appellant for appointment of counsel is granted.
Gary B. Wells is hereby appointed as associate counsel for appellant
Wilbur Jennings, for purposes of all appropriate post-conviction
proceedings, including the preparation and filing of a petition for
clemency with the Governor of California, as appropriate.

2nd Dist. Tejinder S. Grewal

B098955

v.

Dept. of Water and Power

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Three to Division Six.

2nd Dist.

Union Bank

B108877

v.

Texaco Refining and Marketing, Inc.

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Three to Division Six.

2nd Dist.

Dion L. Woodward

B103251

v.

Kaiser Permanente Medical Center

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Four to Division Six.

2nd Dist.

Donald E. Hamilton

B109860

v.

Drew Gordon

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Four to Division Six.

S065941

In re the Matter of the Special Application of the
Committee of Bar Examiners for Admission of Attorneys

The special motion for admission of attorneys, filed
November 20, 1997, by the Committee of Bar Examiners of the State
Bar of California, is hereby granted by the court pursuant to
Business and Professions Code section 6064.

S033998

In the Matter of the Suspension of Attorneys
Pursuant to Rule 962 California Rules of Court

Having been provided proof of compliance pursuant to subdivision (1) of section 11350.6 of the Welfare and Institutions Code, the suspension of **Brian John Stone**, pursuant to our order filed on October 17, 1997, is hereby terminated.

This order is final forthwith.

S062861

In re **Lawrence Crawford Bragg** on Discipline

Petition for writ of review is denied.

It is ordered that **Lawrence Crawford Bragg** be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including one year actual suspension, recommended by the Review Department of the State Bar Court in its opinion filed April 28, 1997. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.*

Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 payable in accordance with section 6140.7, as amended effective January 1, 1997.

*(See Business & Professions Code, § 6126, subd. (c).)

S065247

In the Matter of the Resignation of **Steven Brad Jacobs**
A Member of the State Bar of California

The voluntary resignation of **Steven Brad Jacobs** as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

5285-97

THE HONORABLE H. WALTER CROSKEY, Associate Justice of the Court of Appeal, Second Appellate District, Division Three, is hereby assigned to assist the Supreme Court of California as a justice thereof, on December 10, 1997, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: December 10, 1997

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

